IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Misc. Application No. 765 of 2006

Madan Mohan Kohli
S/o Sri G.M. Kohli,
R/o 265, Lakhibagh, Dehradun,
District Dehradun.

……. Applicant

Versus

1. State of Uttaranchal.
2. V.P. Singh, Branch Manager,
   Ganga Yamuna Gramin Bank,
   Branch Nageshwar Saur, Patti Aargarh,
   District Tehri Garhwal,

……..Respondents

Mr. R.P. Nautiyal, Advocate for the petitioner.
Mr. Amit Bhatt, A.G.A. for the respondent State.

Hon'ble Prafulla C. Pant, J

Heard leaned counsel for the petitioner.

2) By means of this petition, moved under Section 482 of the Code of Criminal Procedure, 1973, the petitioner has sought quashing of the chage sheet and the proceedings of criminal case No. 98 of 2006; State Vs. Madan Mohan Kohli and another, relating to offences punishable under Section 409, 420, 467, 468 and 471 of I.P.C.

3) Brief facts are that the petitioner, who was a Branch Manager in Ganga Yamuna Gramin Bank, is said to have embezzled an amount of Rs. 24,129/-, in connivance with messenger of the Bank, Mr. Kailash Chand Ramola. The First Information Report discloses that the same was filed

after inquiry by the officers concerned, who found that there had been criminal misappropriation of the money and forgery committed by the petitioner with the help of the co-accused.

4) This Court in its jurisdiction under Section 482 of the Cr.P.C., cannot examine the correctness of the half baked evidence, at this stage. Since, there is disclosure of offence and ingredients are shown after investigation, it is not fit case in which the Court should interfere, in its jurisdiction under Section 482 of the Cr.P.C., to quash the proceedings.

5) For the reasons, as discussed above, the petition is dismissed with the observation that all the pleas as to the innocence raised before this Court, can be raised by the petitiner before the trial court. This Court further directs that if the petitioner is arrested or surrenders before the court concerned, and moves application for bail, his bail application shall be heard without unreasonable delay. The petition stands dismissed, accordingly.

(Prafulla C. Pant, J.)

Dt. 26st September, 2006.
H. Negi